

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 666

Introduced by Senator Maldonado

February 23, 2007

An act to amend Section 7582.2 of, *and to add Sections 7574.5, 7574.6, and 7574.7 to*, the Business and Professions Code, relating to ~~private patrol operators~~ *security services*.

LEGISLATIVE COUNSEL'S DIGEST

SB 666, as amended, Maldonado. ~~Private patrol operators. Proprietary security services: private security services.~~

(1) *Existing law, the Proprietary Security Services Act, requires a person who meets the definition of a proprietary private security officer to register with the Department of Consumer Affairs.*

This bill would require a proprietary private security officer to complete a course on the power to arrest prior to employment. The bill would also require these proprietary private security officers to complete at least 32 hours of training in security officer skills. The bill would require that the course of training on the power to arrest cover specified subjects. The bill would exempt peace officers meeting certain criteria from this requirement. The bill would make these provisions applicable on and after July 1, 2009, to any person hired as a proprietary private security officer on and after January 1, 2009, and for a person hired before January 1, 2009, these provisions would become applicable on and after January 1, 2010.

~~The~~

(2) *The Private Security Services Act provides for the licensure and regulation of private patrol operators by the Bureau of Security and Investigative Services in the Department of Consumer Affairs. Existing*

law exempts specified persons from the act, *including, but not limited to, an unarmed, uniformed security person employed by a motion picture studio facility employer, as specified.*

This bill would *delete that exemption and* make a nonsubstantive, technical change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7574.5 is added to the Business and
2 Professions Code, to read:

3 7574.5. (a) A person entering into employment as a proprietary
4 private security officer shall complete a course in the exercise of
5 the power to arrest prior to providing security services for his or
6 her employer.

7 (b) Except for a person who has completed the course of training
8 required by Section 7583.45, a person registered pursuant to this
9 chapter shall complete not less than 32 hours of training in security
10 officer skills within six months from the date evidence of
11 registration is issued. Sixteen of the 32 hours shall be completed
12 within 30 days from the date evidence of registration is issued.

13 (c) A course provider shall issue a certificate to a proprietary
14 private security officer upon satisfactory completion of a required
15 course, conducted in accordance with the department's
16 requirements. An employer of a proprietary private security officer
17 may provide training programs and courses in addition to the
18 training required in this section. A registrant who is unable to
19 provide his or her employer the certificate of satisfactory
20 completion required by this subdivision shall complete 16 hours
21 of the training required by subdivision (b) within 30 days of the
22 date of his or her employment and shall complete the 16 remaining
23 hours within six months of his or her employment date.

24 (d) The department shall develop and approve by regulation a
25 standard course and curriculum for the skills training required
26 by subdivision (b) to promote and protect the safety of persons
27 and the security of property. For this purpose, the department
28 shall consult with consumers, labor organizations representing
29 proprietary private security officers, educators, and subject matter
30 experts.

1 (e) *The course of training required by subdivision (b) may be*
2 *administered, tested, and certified by any organization or school*
3 *approved by the department. The department may approve any*
4 *person or school to teach the course.*

5 (f) (1) *On and after January 1, 2009, an employer shall annually*
6 *provide each employee registered pursuant to this chapter with*
7 *eight hours of specifically dedicated review or practice of security*
8 *officer skills prescribed in either course required in this Section*
9 *or Section 7574.6.*

10 (2) *An employer shall maintain at the principal place of business*
11 *or branch office a record verifying completion of the review or*
12 *practice training for a period of not less than two years. The*
13 *records shall be available for inspection by the department upon*
14 *request.*

15 (g) *This section does not apply to a peace officer as defined in*
16 *Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of*
17 *the Penal Code who has successfully completed a course of study*
18 *in the exercise of the power to arrest approved by the Commission*
19 *on Peace Officer Standards and Training. This section does not*
20 *apply to armored vehicle guards.*

21 SEC. 2. *Section 7574.6 is added to the Business and Professions*
22 *Code, to read:*

23 7574.6. (a) *The course of training in the exercise of the power*
24 *to arrest may be administered, tested, and certified by any*
25 *organization or school approved by the department. The*
26 *department may approve any person or school to teach the course*
27 *in the exercise of the power to arrest. The course of training shall*
28 *be approximately eight hours in length and shall cover the*
29 *following topics:*

30 (1) *Responsibilities and ethics in citizen arrest.*

31 (2) *The relationship between a proprietary private security*
32 *officer and a peace officer in making an arrest.*

33 (3) *Limitations on proprietary private security officer power to*
34 *arrest.*

35 (4) *Restrictions on searches and seizures.*

36 (5) *Criminal and civil liabilities.*

37 (A) *Personal liability.*

38 (B) *Employer liability.*

39 (6) *Trespass law.*

40 (7) *Ethics and communications.*

1 (8) *Emergency situation response, including response to medical*
2 *emergencies.*

3 (9) *Proprietary private security officer safety.*

4 (10) *Any other topic deemed appropriate by the department.*

5 (b) *The majority of the course shall be taught by means of verbal*
6 *instruction. This instruction may include the use of a video*
7 *presentation.*

8 (c) *The department shall make available a guidebook as a*
9 *standard for teaching the course in the exercise of the power to*
10 *arrest. The department shall encourage additional training and*
11 *may provide a training guide recommending additional courses*
12 *to be taken by security personnel.*

13 (d) *An employer shall provide a copy of the guidebook described*
14 *in subdivision (c) to each person that the employer currently*
15 *employs as a proprietary private security officer and to each*
16 *individual that the employer intends to hire as a proprietary private*
17 *security officer. The employer shall provide the guidebook to each*
18 *person he or she intends to hire as a proprietary private security*
19 *officer a reasonable time prior to the time the person begins the*
20 *course in the exercise of the power to arrest.*

21 (e) *The department may inspect, supervise, or view the*
22 *administration of the test at any time and without any prior*
23 *notification. Any impropriety in the administration of the course*
24 *or the test shall constitute grounds for disciplinary action.*

25 SEC. 3. *Section 7574.7 is added to the Business and Professions*
26 *Code, to read:*

27 7574.7. *Sections 7574.5 and 7574.6 shall apply on and after*
28 *July 1, 2009, to any person hired as a proprietary private security*
29 *officer on and after January 1, 2009. For a person hired as a*
30 *proprietary private security officer before January 1, 2009, these*
31 *sections shall apply on and after January 1, 2010.*

32 ~~SECTION 1.~~

33 SEC. 4. *Section 7582.2 of the Business and Professions Code*
34 *is amended to read:*

35 7582.2. *This chapter shall not apply to the following:*

36 (a) *A person who does not meet the requirements to be a*
37 *proprietary private security officer, as defined in Section 7574.1,*
38 *and is employed exclusively and regularly by any employer who*
39 *does not provide contract security services for other entities or*
40 *persons, in connection with the affairs of the employer only and*

1 where there exists an employer-employee relationship if that person
2 at no time carries or uses any deadly weapon in the performance
3 of his or her duties. For purposes of this subdivision, “deadly
4 weapon” is defined to include any instrument or weapon of the
5 kind commonly known as a blackjack, slungshot, billy, sandclub,
6 sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any
7 other firearm, any knife having a blade longer than five inches,
8 any razor with an unguarded blade and any metal pipe or bar used
9 or intended to be used as a club.

10 (b) An officer or employee of the United States of America, or
11 of this state or a political subdivision thereof, while the officer or
12 employee is engaged in the performance of his or her official
13 duties, including uniformed peace officers employed part time by
14 a public agency pursuant to a written agreement between a chief
15 of police or sheriff and the public agency, provided the part-time
16 employment does not exceed 50 hours in any calendar month.

17 (c) A person engaged exclusively in the business of obtaining
18 and furnishing information as to the financial rating of persons.

19 (d) A charitable philanthropic society or association duly
20 incorporated under the laws of this state that is organized and
21 maintained for the public good and not for private profit.

22 (e) Patrol special police officers appointed by the police
23 commission of any city, county, or city and county under the
24 express terms of its charter who also under the express terms of
25 the charter (1) are subject to suspension or dismissal after a hearing
26 on charges duly filed with the commission after a fair and impartial
27 trial, (2) must be not less than 18 years of age nor more than 40
28 years of age, (3) must possess physical qualifications prescribed
29 by the commission, and (4) are designated by the police
30 commission as the owners of a certain beat or territory as may be
31 fixed from time to time by the police commission.

32 (f) An attorney at law in performing his or her duties as an
33 attorney at law.

34 (g) A collection agency or an employee thereof while acting
35 within the scope of his or her employment, while making an
36 investigation incidental to the business of the agency, including
37 an investigation of the location of a debtor or his or her property
38 where the contract with an assignor creditor is for the collection
39 of claims owed or due or asserted to be owed or due or the
40 equivalent thereof.

1 (h) Admitted insurers and agents and insurance brokers licensed
2 by the state, performing duties in connection with insurance
3 transacted by them.

4 (i) Any bank subject to the jurisdiction of the Commissioner of
5 Financial Institutions under Division 1 (commencing with Section
6 99) of the Financial Code or the Comptroller of Currency of the
7 United States.

8 (j) A person engaged solely in the business of securing
9 information about persons or property from public records.

10 (k) A peace officer of this state or a political subdivision thereof
11 while the peace officer is employed by a private employer to
12 engage in off-duty employment in accordance with Section 1126
13 of the Government Code. However, nothing herein shall exempt
14 such peace officer who either contracts for his or her services or
15 the services of others as a private patrol operator or contracts for
16 his or her services as or is employed as an armed private security
17 officer. For purposes of this subdivision, "armed security officer"
18 means an individual who carries or uses a firearm in the course
19 and scope of that contract or employment.

20 (l) A retired peace officer of the state or political subdivision
21 thereof when the retired peace officer is employed by a private
22 employer in employment approved by the chief law enforcement
23 officer of the jurisdiction where the employment takes place,
24 provided that the retired officer is in a uniform of a public law
25 enforcement agency, has registered with the bureau on a form
26 approved by the director, and has met any training requirements
27 or their equivalent as established for security personnel under
28 Section 7583.5. This officer may not carry a loaded or concealed
29 firearm unless he or she is exempted under the provisions of
30 subdivision (a) of Section 12027 of the Penal Code or paragraph
31 (1) of subdivision (b) of Section 12031 of the Penal Code or has
32 met the requirements set forth in Section 12033 of the Penal Code.
33 However, nothing herein shall exempt the retired peace officer
34 who contracts for his or her services or the services of others as a
35 private patrol operator.

36 (m) A licensed insurance adjuster in performing his or her duties
37 within the scope of his or her license as an insurance adjuster.

38 (n) Any savings association subject to the jurisdiction of the
39 Commissioner of Financial Institutions or the Office of Thrift
40 Supervision.

1 (o) Any secured creditor engaged in the repossession of the
2 creditor's collateral and any lessor engaged in the repossession of
3 leased property in which it claims an interest.

4 (p) A peace officer in his or her official police uniform acting
5 in accordance with subdivisions (c) and (d) of Section 70 of the
6 Penal Code.

7 ~~(q) An unarmed, uniformed security person employed~~
8 ~~exclusively and regularly by a motion picture studio facility~~
9 ~~employer who does not provide contract security services for other~~
10 ~~entities or persons in connection with the affairs of that employer~~
11 ~~only and where there exists an employer-employee relationship if~~
12 ~~that person at no time carries or uses any deadly weapon, as defined~~
13 ~~in subdivision (a), in the performance of his or her duties, which~~
14 ~~may include, but are not limited to, the following business~~
15 ~~purposes:~~

16 ~~(1) The screening and monitoring access of employees of the~~
17 ~~same employer.~~

18 ~~(2) The screening and monitoring access of prearranged and~~
19 ~~preauthorized invited guests.~~

20 ~~(3) The screening and monitoring of vendors and suppliers.~~

21 ~~(4) Patrolling the private property facilities for the safety and~~
22 ~~welfare of all who have been legitimately authorized to have access~~
23 ~~to the facility.~~

24 ~~(r)~~

25 (q) The changes made to this section by the act adding this
26 subdivision during the 2005-06 Regular Session of the Legislature
27 shall apply as follows:

28 (1) On and after July 1, 2006, to a person hired as a security
29 officer on and after January 1, 2006.

30 (2) On and after January 1, 2007, to a person hired as a security
31 officer before January 1, 2006.